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REMARKS

Entry of this amendment is proper under 37 CFR §1.116, since the only substantive claim amendment incorporates previous dependent claim 8 into independent claim 1, thereby no new issues or new claims are presented herein that would require additional search.

Claims 1-4, 7, 9-14, and 16-28 are pending in the application. Claims 5, 6, 8, and 15 are canceled, claim 8 by reason of its incorporation into independent claim 1 and claim 15 by reason of being duplicative.

It is noted that Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claim 23 stands rejected under 25 U.S.C. §112, second paragraph, as indefinite.

Claims 1-4, 7, 9-14, and 17-28 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 7,003,315 to Kiyomoto et al., further in view of U.S. Patent No. Publication 2004/0192224 to Arimitsu. Claims 8 and 15 stand rejected under 35 U.S.C. §103(a) as unpatentable over Kiyomoto/Arimitsu, further in view of U.S. Patent No. 6,363,246 to Williams.

These rejections are again respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The invention as recited in independent claim 1, for example, is directed to a wireless communication terminal including an operating unit, reception field level detecting means for detecting a threshold field level of the received radio wave, a control unit for controlling the terminal, a storage unit, a plurality of wireless communication units each matching a different communication system, and switch-over means for switching over from one to another of the wireless communication units. The terminal selects one of the communication systems on the basis of the reception of the threshold field level of a first communication system that is currently selected and that of another second communication system. (Application at page 2, lines 5-15).

This structure is important because by detecting reception field levels only when a threshold is reached, battery consumption will be decreased and switchover will be faster due

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to immediate detection of the threshold (Application at page 12, line 25-page 13, line 1).

In a conventional dual mode wireless communication terminal, as described in the Background of the present Application, the terminal periodically detects the reception field level of another communication system, and determines whether or not to switch over from one communication system to another on the basis of the detected level. Accordingly switch over may be delayed and battery power consumed unnecessarily (Application at page 1, lines 11-25).

In contrast, an exemplary aspect of the claimed invention may switch from one wireless unit to another wireless unit on the basis of the reception field level that is currently selected (Application at page 2, lines 5-15).

None of the applied references discloses or suggests this invention in combination with the features additionally described in the independent claims.

II. THE INDEFINITENESS REJECTION

Relative to claim 23, the Examiner alleges that the "prescribed operation" is not clearly described in the specification. In response, Applicant brings to the Examiner's attention of the discussion at lines 11-22 of page 5 and lines 9-13 of page 10, as well as the description at lines 9-13 on page 7 that clearly describes exemplary "prescribed operations." Additionally, dependent claims 17 and 19 provide two specific examples of possible "prescribed operations" in the context of the language of claim 23.

Moreover, there is clearly no antecedent basis issue with this claim, since "prescribed operation" is appropriately preceded by the appropriate indefinite article.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw this rejection for claim 23.

III. THE PRIOR ART REJECTIONS

In maintaining the rejection for claims 1-4, 7, 9-14, and 17-28 as allegedly unpatentable over Kiyomoto, as modified by Arimitsu, the Examiner responds on page 7 that the feature of detecting reception field levels only when a threshold is reached, in order to conserve power, is nowhere to be found in claim 1. In response, Applicant points out that

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this feature is clearly defined in at least dependent claim 2 and independent claim 20.

Relative to the rejection for claim 1, neither Kiyomoto nor Arimitsu nor Williams teaches or suggests the feature incorporated from previous dependent claim 8, wherein the notice signal is presented to the user via a visual and/or audio notice. This exemplary embodiment is described in lines 11-18 of page 10 and permits the user to make the selection to the second system.

At most, Kiyomoto, even if modified by Arimitsu, would automatically select the second system that has priority desired by the user, as soon as the system gave permission for the transfer. Thus, there is no need in Kiyomoto/Arimitsu to present a visual/aural notice to the user, thereby requiring the user to make the selection. Williams does not overcome this fundamental deficiency, since its annunciator devices are not controlled by a signal that provides notice when the second communication system has priority and communication with the second communication system is possible. At most, Williams merely demonstrates that such an annunciation is possible, and the Examiner would have the initial burden to provide a reasonable motivation to modify Kiyomoto to add the annunciation described in the claim.

Hence, turning to the clear language of the claims, in Kiyomoto, even if modified by Arimitsu and/or Williams, there is no teaching/suggestion of: "...the terminal issues a notice signal when the second communication system has priority and communication with the second communication system is possible, the notice signal being at least either a display on the display unit or a sound emitted by the speaker unit", as required by independent claim 1.

Therefore, claims 1-4, 7, and 9-19 are clearly patentable over Kiyomoto.

Relative to the rejection for independent claim 20, the claim provides a specific sequence wherein 1) the first system must first drop below a prescribed threshold; 2) the reception level of the second system is then detected; 3) the second system is selected if the reception of the first system drops below a second, even lower threshold; and 4) communication with the second system is still possible.

Again, the rejection of record makes no attempt to demonstrate these four conditions in Kiyomoto and, therefore, fails to establish a *prima facie* rejection based on this primary reference. If the Examiner wishes to maintain this rejection, Applicant respectfully requests that the Examiner point out specific line and column locations for each of the specific conditions listed in claim 20.

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Therefore, claims 20-22 are clearly patentable over Kiyomoto.

Relative to the rejection for independent claim 23, wherein the Examiner attempts to rely upon selection of the system in accordance with a priority listing, Applicant respectfully submits that such automatic selection fails to satisfy the plain meaning of the claim language of this claim, since the "prescribed operation" is an event that is involved in the automatic selection and involves a user interaction with the terminal. The rejection improperly attempts to define the automatic selection by the CPU as being the "prescribed operation."

Therefore, claims 23-28 are also clearly patentable over Kiyomoto.

Therefore, Applicant submits that all pending claims are allowable over the prior art of record and respectfully requests that the Examiner reconsider and withdraw these rejections.

IV. CONCLUSION

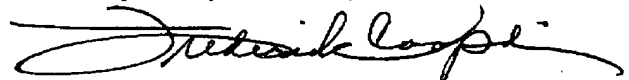
In view of the foregoing, Applicant submits that claims 1-4, 7, 9-14, and 16-28, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: 02/03/09

Respectfully Submitted,



Frederick E. Cooperrider
Registration No. 36,769

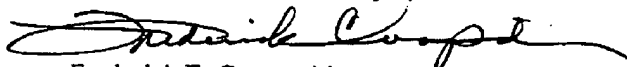
**MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC**
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817(703) 761-4100
Customer No. 21254

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CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 this Request for Reconsideration under 37 CFR §1.116 to Examiner J. Gelin on February 3, 2009.



Frederick E. Cooperrider
Reg. No. 36,769